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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the matter of Application Serial No. 75/845,350, INTELLIWEAR  
Published in the *Official Gazette* on October 30, 2001

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Mark D. Tannen,	:	
	:	
Opposer,	:	
	:	Opposition No.: 91 151,109
v.	:	
	:	
Jay Mack,	:	
	:	
Applicant.	:	
-----X	:	



02-26-2004

U.S. Patent & TMOtc/TM Mail Rcpt Dt. #22

**MOTION TO WITHDRAW AS REPRESENTATIVE**

Baker Botts LLP ("Baker Botts"), attorneys of record for Opposer, Mark D. Tannen, in the above-captioned opposition proceeding, hereby moves the Honorable Board to withdraw as representative of Opposer as permitted by 37 C.F.R. § 10.40(c) on the grounds that Mr. Tannen is substantially in arrears in his payments to Baker Botts for legal services rendered. Mr. Tannen has failed to pay one or more invoices issued by Baker Botts for an unreasonable period of time, despite numerous requests for payment. Baker Botts respectfully submits that it is therefore entitled to withdraw as representative pursuant to 37 C.F.R. § 10.40(c)(1)(vi).

Baker Botts has taken all reasonable steps to avoid foreseeable prejudice to the rights of Mr. Tannen and has given due notice of its intention to withdraw as representative in this matter. Further, proceedings have been suspended at this time and

such suspension should afford Mr. Tannen reasonable time to either prepare himself to further pursue this matter on his own or retain new counsel. All papers and property to which Mr. Tannen is entitled shall be delivered to him promptly should Baker Botts's withdrawal be accepted by this Honorable Board.

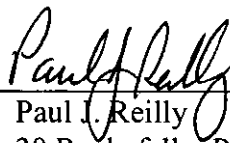
A copy of Baker Botts's Motion to Withdraw as Representative is being provided to Mr. Tannen by mail contemporaneous with the filing of this motion.

WHEREFORE, Baker Botts respectfully requests that its motion to withdraw be granted.

Respectfully submitted,

BAKER BOTTS LLP

Dated: February 24, 2004

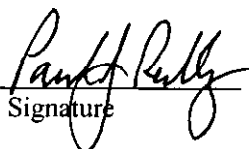
By:   
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Attorneys for Opposer

CERTIFICATE OF MAILING

I hereby certify that this paper is being deposited with the United States Postal Service "Express Mail Post Office To Addressee Service", postage prepaid in an envelope addressed to:  
BOX TTAB NO FEE  
Assistant Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, Virginia 22202-3513

Paul J. Reilly  
Attorney Name

February 24, 2004  
Date of Deposit

  
Signature

February 24, 2004  
Date of Signature

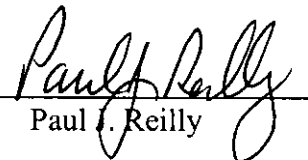
**CERTIFICATE OF SERVICE**

I hereby certify that on the date set forth below a true and correct copy of the foregoing **MOTION TO WITHDRAW AS REPRESENTATIVE** was served upon the attorneys of record for Petitioner by first class mail, postage prepaid, in an envelope addressed as follows:

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Dated: February 24, 2004

By:   
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